

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
The Commission's Licensee-Conducted)	RM No. 11684
Contests Rule)	

To: The Commission

COMMENTS IN SUPPORT OF PETITION FOR RULEMAKING

Beasley Broadcast Group, Inc., Clarke Broadcasting Corporation, Gray Television, Inc., Greater Media, Inc., HJV Limited Partnership, Journal Broadcast Corporation, Lincoln Financial Media Company, M. Belmont VerStandig, Inc., and Sarkes Tarzian, Inc. ("Joint Commenters"),¹ by their attorneys, hereby submit these comments in support of the petition² filed in the above-captioned proceeding by Entercom Communications Corp. ("Entercom"). The *Petition* proposes modification of Section 73.1216 of the Commission's rules (the "Contest Rule") to allow broadcast licensees to fulfill their obligation to disclose the material terms of licensee-conducted contests in one of two ways: through broadcasts (as provided in the current rule); or in written form on an Internet website, and upon request by e-mail, fax, mail or in person.

Initiation of this rulemaking proceeding, and adoption of the proposal, will provide broadcasters greater flexibility and discretion over the manner in which they disclose the material terms of station contests. Broadcasters will be permitted to fulfill their disclosure duties by providing contest information in written format – often a more effective and efficient manner of presenting such information. Listeners and viewers will benefit from having access to the

¹ A list of broadcast stations directly or indirectly licensed to Joint Commenters is attached as Appendix A hereto.

² Entercom Communications Corp., Petition to Amend Sec. 73.1216 (Jan. 20, 2012) (the "*Petition*").

information instantly, in a format to which they have grown accustomed and which they now expect. And station operations will be improved through a reduction in program clutter. In sum, implementation of the proposal will modernize the now 26-year old Contest Rule to reflect better the way consumers and broadcasters access and use current technology.

I. Modification of the Contest Rule Will Benefit Listeners and Viewers.

The current Contest Rule requires broadcasters to transmit the material terms of contests through periodic announcements on the station conducting the contest. While stations are free to provide contest information in other formats, including Internet postings, numerous Commission decisions have repeatedly made clear that “licensees cannot avail themselves of alternative non-broadcast announcements to satisfy the requirement that they accurately announce a contest’s material terms.”³ Thus, despite the prevalence of the Internet, *see Petition* at 3-4, and the fact that many stations already choose to post material contest terms online, a licensee can satisfy the obligations of the Contest Rule in only one manner: repeatedly transmitting the material contest terms over-the-air. Depending on the nature of a particular contest, this may require significant, prolonged interruptions of regular station programming in order to broadcast protracted announcements that are disruptive to overall programming flow, objectionable to many listeners and viewers, and replete with so much detail as to be nearly impossible to digest – even for those consumers who are genuinely interested in the information imparted.

Different media forms have different strengths and limitations. The aural nature of AM and FM radio makes it challenging to effectively convey contest terms, and television crawls may run too fast to be easily understood. In contrast, Internet websites provide an excellent format for the presentation and display of detailed information and documentation that

³ *Clear Channel Communications, Inc.*, 27 FCC Rcd 343, 346 (2012) (“[A]ny non-broadcast disclosures must be in addition to the required broadcast announcements and cannot substitute for them.”) (internal quotations omitted).

consumers may wish to parse, review at length, or examine repeatedly. In this respect, the material terms of licensee-conducted contests may be better suited for static, printed presentation, rather than spoken word or rapid crawl. The Commission should authorize broadcasters to determine, in their discretion, when to meet the requirements of the Contest Rule by affording listeners and viewers the opportunity to review contest rules in printed format on a website or through e-mail, fax, or printed page.

Providing contest terms online will have other advantages for listeners and viewers. Many licensee-conducted contests now take place wholly or partially online, often through station websites. Thus, it is particularly logical that the material terms of such contests be disclosed at the point of entry of those contests – that is, online. A rule that allows broadcasters to meet their disclosure duties by posting contest terms online will be beneficial to listeners and viewers, given the nature of the information provided and the realities of participation in modern station-conducted contests.

Furthermore, accessing contest terms online will comport with consumers' expectations of how such information is made available for review. As Entercom correctly points out, consumers' expectations of how, and when, they may access information – especially information that may be complex and lengthy – have changed substantially in recent years, and this change is dramatic from the conditions that existed when the Contest Rule was first enacted in 1976. Given the prevalence of Americans' current internet usage and their preference for accessing instantaneous information online, *see Petition* at 3, it makes sense to enable stations to comply with their disclosure obligations by posting contest information online. Joint Commenters concur with Entercom that "Internet usage is widespread and easily accessible." *Petition* at 4. But, to the extent there remains any concern about the wide availability of Internet access, Entercom's proposal addresses it by requiring that broadcasters also provide, upon

request, written contest terms by fax, mail, or in person, and that stations broadcast periodic announcements of how the public can obtain the material contest terms.

II. Modification of the Contest Rule Will Benefit Broadcasters.

Just as American consumers have grown to expect that certain types of information will be available online, broadcasters regularly use their websites to augment broadcast programming and to provide consumers with information that is better suited to online presentation. Many broadcasters successfully employ Internet websites seamlessly with their broadcast operations, offering consumers online access to a variety of instantaneous information. Many stations use their websites to provide listeners and viewers with information about station events and activities. And as noted above, many station contests have an online component. Including information about contest terms is a natural fit for a station's online content, and posting of such terms online should be sufficient to meet a station's contest disclosure obligations.

Providing contest rules in online printed form will also help alleviate time and editing pressures faced by stations, which may, in turn, help lessen potential misunderstandings by listeners and viewers about the terms of station contests. Under the current rule, broadcasters may be required to make judgment calls as to what should be considered "material" terms of contests, and thus subject to mandatory on-air announcement. Radio broadcasters, especially, must make editing decisions in the context of attempting to provide appealing programming that listeners choose to hear rather than change stations, which leads to holding the length of contest term announcements to a minimum and avoiding programming clutter. Broadcasters will face far fewer time and space constraints, and the risk of listener misperception will be significantly diminished, if stations provide the material contest terms on their websites. This will result not only in the provision of more complete information to consumers, but also in less clutter during station broadcasts.

III. Conclusion

Joint Commenters agree with Entercom that it is time for the Commission to update the Contest Rule to permit compliance with the Contest Rule's disclosure duties through the posting of material contest terms to an Internet website. For the reasons stated above and in the *Petition*, Joint Petitioners respectfully request that the Commission accept the *Petition*, and initiate a rulemaking proceeding proposing to modify Section 73.1216 of the Commission's rules to permit broadcast licensees a choice of fulfilling their regulatory compliance with the Contest Rule by either broadcasting material contest terms, or posting them on the Internet and offering a printed copy by e-mail, fax, mail or in person upon request.

Respectfully submitted,

**Beasley Broadcast Group, Inc.
Clarke Broadcasting Corporation
Gray Television, Inc.
Greater Media, Inc.
HJV Limited Partnership
Journal Broadcast Corporation
Lincoln Financial Media Company
M. Belmont VerStandig, Inc.
Sarkes Tarzian, Inc.**

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Their Attorneys

APPENDIX A

Broadcast Stations Directly or Indirectly Licensed to Joint Commenters

BEASLEY BROADCAST GROUP, INC.

Call Sign	Community City	Community State	Facility ID Number	Licensee
WSFL-FM	New Bern	NC	70497	WSFL License LP
WNCT (AM)	Greenville	NC	57841	WNCT License LP
WNCT-FM	Greenville	NC	54388	WNCT License LP
WKML (FM)	Lumberton	NC	37252	WKML License LP
WWDB (AM)	Philadelphia	PA	74085	WWDB License LP
WAZZ (AM)	Fayetteville	NC	72058	WAZZ License LP
KDWN (AM)	Las Vegas	NV	54686	KDWN License LP
WXTU (FM)	Philadelphia	PA	75213	WXTU License LP
WRXK-FM	Bonita Springs	FL	73976	WRXK License LP
WFLB (FM)	Laurinburg	NC	9078	WFLB License LP
WKIS (FM)	Boca Raton	FL	64001	WKIS License LP
WRDW-FM	Philadelphia	PA	51434	WDAS License LP
WZFX (FM)	Whiteville	NC	32376	WDAS License LP
WTEL(AM)	Red Springs	NC	39240	WDAS License LP
WUKS (FM)	St. Pauls	NC	39239	WDAS License LP
WIKS (FM)	New Bern	NC	72389	WIKS License LP
WXNR (FM)	Grifton	NC	64648	WXNR License LP
WPOW (FM)	Miami	FL	73893	WPOW License LP
WJBX (FM)	Ft. Myers Beach	FL	74286	WJBX License LP
WMGV (FM)	Newport	NC	48400	WMGV License LP
WQAM (AM)	Miami	FL	64002	WQAM License LP
WJPT (FM)	Ft. Myers	FL	74080	WJPT License LP
WWCN (AM)	North Ft. Myers	FL	4437	WJPT License LP
WXKB (FM)	Cape Coral	FL	73933	WXKB License LP
WTMR (AM)	Camden	NJ	24658	WTMR License LP
WAEC (AM)	Atlanta	GA	22132	WAEC License LP
WWWE (AM)	Hapeville	GA	71603	WAEC License LP
WRCA (AM)	Waltham	MA	60695	WAEC License LP
WGAC (AM)	Augusta	GA	4435	WAEC License LP
WGUS-FM	New Ellenton	SC	25467	WAEC License LP
WKXC (FM)	Aiken	SC	24147	WAEC License LP
WHHD (FM)	Clearwater	SC	24148	WAEC License LP
WJBR (FM)	Wilmington	DE	14374	WAEC License LP
WHSR (AM)	Pompano Beach	FL	27420	WWNN License, LLC
WSBR (AM)	Boca Raton	FL	60634	WWNN License, LLC
WWNN (AM)	Pompano Beach	FL	73930	WWNN License, LLC
WDRR (FM)	Martinez	GA	14667	WGOR License, LLC
WCHZ-FM	Warrenton	GA	17129	WCHZ License, LLC

Call Sign	Community City	Community State	Facility ID Number	Licensee
WGAC-FM	Harlem	GA	24423	WCHZ License, LLC
WRDW(AM)	Augusta	GA	87174	WCHZ License, LLC
WCHZ(AM)	Augusta	GA	537	WCHZ License, LLC
KCYE (FM)	Boulder City	NV	57281	KJUL License, LLC
KKLZ (FM)	Las Vegas	NV	40757	KJUL License, LLC
KOAS (FM)	Dolan Springs	AZ	25692	KJUL License, LLC

CLARKE BROADCASTING CORPORATION

Call Sign	Community City	Community State	Facility ID Number	Licensee
KKBN(FM)	Twain Harte	CA	11977	Clarke Broadcasting Corporation
KVML(AM)	Sonora	CA	11711	Clarke Broadcasting Corporation
KZSQ-FM	Sonora	CA	11708	Clarke Broadcasting Corporation

GRAY TELEVISION, INC.

Call Sign	Community City	Community State	Facility ID Number	Licensee
KAKE	Wichita	KS	65522	Gray Television Licensee, LLC
KBTX-TV	Bryan	TX	6669	Gray Television Licensee, LLC
KGIN	Grand Island	NE	7894	Gray Television Licensee, LLC
KKCO	Grand Junction	CO	24766	Gray Television Licensee, LLC
KKTV	Colorado Springs	CO	35037	Gray Television Licensee, LLC
KLBY	Colby	KS	65523	Gray Television Licensee, LLC
KOLN	Lincoln	NE	7890	Gray Television Licensee, LLC
KOLO-TV	Reno	NV	63331	Gray Television Licensee, LLC
KUPK	Garden City	KS	65535	Gray Television Licensee, LLC
KWTX-TV	Waco	TX	35903	Gray Television Licensee, LLC
KXII	Sherman	TX	35954	Gray Television Licensee, LLC
WBKO	Bowling Green	KY	4692	Gray Television Licensee, LLC
WCAV	Charlottesville	VA	363	Gray Television Licensee, LLC
WCTV	Thomasville	GA	31590	Gray Television Licensee, LLC
WEAU	Eau Claire	WI	7893	Gray Television Licensee, LLC
WHSV-TV	Harrisonburg	VA	4688	Gray Television Licensee, LLC
WIBW-TV	Topeka	KS	63160	Gray Television Licensee, LLC
WIFR	Freeport	IL	4689	Gray Television Licensee, LLC
WILX-TV	Onondaga	MI	6863	Gray Television Licensee, LLC
WITN-TV	Washington	NC	594	Gray Television Licensee, LLC
WJHG-TV	Panama City	FL	73136	Gray Television Licensee, LLC
WKYT-TV	Lexington	KY	24914	Gray Television Licensee, LLC

Call Sign	Community City	Community State	Facility ID Number	Licensee
WMTV	Madison	WI	6870	Gray Television Licensee, LLC
WNDU-TV	South Bend	IN	41674	Gray Television Licensee, LLC
WOWT	Omaha	NE	65528	Gray Television Licensee, LLC
WRDW-TV	Augusta	GA	73937	Gray Television Licensee, LLC
WSAW-TV	Wausau	WI	6867	Gray Television Licensee, LLC
WSAZ-TV	Huntington	WV	36912	Gray Television Licensee, LLC
WSWG	Valdosta	GA	28155	Gray Television Licensee, LLC
WTAP-TV	Parkersburg	WV	4685	Gray Television Licensee, LLC
WTOK-TV	Meridian	MS	4686	Gray Television Licensee, LLC
WTVY	Dothan	AL	4152	Gray Television Licensee, LLC
WVLT-TV	Knoxville	TN	35908	Gray Television Licensee, LLC
WYMT-TV	Hazard	KY	24915	Gray Television Licensee, LLC

GREATER MEDIA, INC.

Call Sign	Community City	Community State	Facility ID Number	Licensee
WBT(AM)	Charlotte	NC	30830	Greater Media Charlotte Inc.
WLNK(FM)	Charlotte	NC	30834	Greater Media Charlotte Inc.
WBT-FM	Chester	SC	10764	Greater Media Charlotte Inc.
WMJX(FM)	Boston	MA	25052	Greater Boston Radio, Inc.
WTKK(FM)	Boston	MA	25050	Greater Boston Radio, Inc.
WBOS(FM)	Brookline	MA	23439	Greater Boston Radio, Inc.
WROR-FM	Framingham	MA	20438	Greater Boston Radio, Inc.
WCSX(FM)	Birmingham	MI	25084	Greater Boston Radio, Inc.
WRIF(FM)	Detroit	MI	11278	Greater Boston Radio, Inc.
WMGC-FM	Detroit	MI	40407	Greater Boston Radio, Inc.
WMMR(FM)	Philadelphia	PA	25438	Greater Boston Radio, Inc.
WPEN(AM)	Philadelphia	PA	25095	Greater Philadelphia Radio, Inc.
WMGK(FM)	Philadelphia	PA	25094	Greater Philadelphia Radio, Inc.
WBEN-FM	Philadelphia	PA	22308	Greater Philadelphia Radio, Inc.
WPEN-FM	Burlington	NJ	47427	Greater Philadelphia Radio, Inc.
WCTC(AM)	New Brunswick	NJ	55180	The Sentinel Publishing Co.
WMGQ(FM)	New Brunswick	NJ	55179	The Sentinel Publishing Co.
WMTR(AM)	Morristown	NJ	49586	The Sentinel Publishing Co.
WDHA-FM	Dover	NJ	49587	The Sentinel Publishing Co.
WRAT(FM)	Point Pleasant	NJ	59530	The Sentinel Publishing Co.
WKLB-FM	Waltham	MA	10542	Charles River Broadcasting Company
WJRZ-FM	Manahawkin	NJ	31078	Jersey Shore Broadcasting Corporation

HJV LIMITED PARTNERSHIP

Call Sign	Community City	Community State	Facility ID Number	Licensee
WAYZ(FM)	Hagerstown	MD	25827	HJV Limited Partnership
WNUZ(FM)	Mercersburg	PA	39495	HJV Limited Partnership
WCBG(AM)	Waynesboro	PA	27402	HJV Limited Partnership
WBHB-FM	Waynesboro	PA	27401	HJV Limited Partnership

JOURNAL BROADCAST CORPORATION

Call Sign	Community City	Community State	Facility ID Number	Licensee
WTMJ-TV	Milwaukee	WI	74098	Journal Broadcast Corporation
KQCH(FM)	Omaha	NE	50314	Journal Broadcast Corporation
WSYM-TV	Lansing	MI	74094	Journal Broadcast Corporation
KTNV-TV	Las Vegas	NV	74100	Journal Broadcast Corporation
KMIR-TV	Palm Springs	CA	16749	Journal Broadcast Corporation
WTMJ(AM)	Milwaukee	WI	74096	Journal Broadcast Corporation
KMTV-TV	Omaha	NE	35190	Journal Broadcast Corporation
KTHI(FM)	Caldwell	ID	68589	Journal Broadcast Corporation
KQXR(FM)	Payette	ID	42650	Journal Broadcast Corporation
KRVB(FM)	Nampa	ID	17397	Journal Broadcast Corporation
KLIO(AM)	Wichita	KS	72356	Journal Broadcast Corporation
KFDI-FM	Wichita	KS	72357	Journal Broadcast Corporation
KFXJ(FM)	Augusta	KS	37133	Journal Broadcast Corporation
KYQQ(FM)	Arkansas City	KS	37121	Journal Broadcast Corporation
KFTI-FM	Newton	KS	35020	Journal Broadcast Corporation
KFAQ(AM)	Tulsa	OK	68329	Journal Broadcast Corporation
KVOO-FM	Tulsa	OK	68330	Journal Broadcast Corporation
KXBL(FM)	Henryetta	OK	68331	Journal Broadcast Corporation
KSGF(AM)	Springfield	MO	62024	Journal Broadcast Corporation
KRVI(FM)	Mount Vernon	MO	55165	Journal Broadcast Corporation
KXSP(AM)	Omaha	NE	50313	Journal Broadcast Corporation
KFFN(AM)	Tucson	AZ	2433	Journal Broadcast Corporation
KMXZ-FM	Tucson	AZ	2434	Journal Broadcast Corporation
KQTH(FM)	Tucson	AZ	20403	Journal Broadcast Corporation
KTGV(FM)	Oracle	AZ	57504	Journal Broadcast Corporation
KWBA-TV	Sierra Vista	AZ	35095	Journal Broadcast Corporation
KSPW(FM)	Sparta	MO	10119	Journal Broadcast Corporation
KSRZ(FM)	Omaha	NE	50308	Journal Broadcast Corporation
WWST(FM)	Sevierville	TN	29727	Journal Broadcast Corporation
WCYQ(FM)	Karns	TN	29741	Journal Broadcast Corporation
KTTS-FM	Springfield	MO	62023	Journal Broadcast Corporation
KGUN-TV	Tucson	AZ	36918	Journal Broadcast Corporation
WKHT(FM)	Knoxville	TN	40854	Journal Broadcast Corporation
KJOT(FM)	Boise	ID	6329	Journal Broadcast Corporation
WLWK-FM	Milwaukee	WI	74095	Journal Broadcast Corporation
KEZO-FM	Omaha	NE	74105	Journal Broadcast Corporation
KICT-FM	Wichita	KS	63548	Journal Broadcast Corporation
KIVI-TV	Nampa	ID	59255	Journal Broadcast Corporation
KSGF-FM	Ash Grove	MO	2924	Journal Broadcast Corporation
KNIN-TV	Caldwell	ID	59363	Journal Broadcast Corporation

Call Sign	Community City	Community State	Facility ID Number	Licensee
K27DX	McCall	ID	59257	Journal Broadcast Corporation
WKTJ-CA	Sturgeon Bay	WI	2711	Journal Broadcast Corporation
WGBA-TV	Green Bay	WI	2708	Journal Broadcast Corporation
KKCD(FM)	Omaha	NE	74103	Journal Broadcast Corporation
WFTX-TV	Cape Coral	FL	70649	Journal Broadcast Corporation
KBEZ(FM)	Tulsa	OK	55707	Journal Broadcast Corporation
KHTT(FM)	Muskogee	OK	55704	Journal Broadcast Corporation
KSAW-LD	Twin Falls	ID	59256	Journal Broadcast Corporation
WACY-TV	Appleton	WI	361	Journal Broadcast Corporation
WFTX-TV	Cape Coral	FL	70649	Journal Broadcast Corporation

LINCOLN FINANCIAL MEDIA COMPANY

Call Sign	Community City	Community State	Facility ID Number	Licensee
WAXY(AM)	South Miami	FL	30837	Lincoln Financial Media Company of Florida
WAXY-FM	West Palm Beach	FL	29567	Lincoln Financial Media Company of Florida
WLYF(FM)	Miami	FL	30827	Lincoln Financial Media Company of Florida
WMXJ(FM)	Pompano Beach	FL	30840	Lincoln Financial Media Company of Florida
WQXI(AM)	Atlanta	GA	30825	Lincoln Financial Media Company of Georgia
WSTR(FM)	Smyrna	GA	30822	Lincoln Financial Media Company of Georgia
KEPN(AM)	Lakewood	CO	30823	Lincoln Financial Media Company of Colorado
KKFN(FM)	Longmont	CO	71767	Lincoln Financial Media Company of Colorado
KQKS(FM)	Lakewood	CO	35574	Lincoln Financial Media Company of Colorado
KRWZ(AM)	Parker	CO	30839	Lincoln Financial Media Company of Colorado
KYGO-FM	Denver	CO	30829	Lincoln Financial Media Company of Colorado
KBZT(FM)	San Diego	CA	58816	Lincoln Financial Media Company of California
KIFM(FM)	San Diego	CA	34589	Lincoln Financial Media Company of California
KSON(FM)	San Diego	CA	30832	Lincoln Financial Media Company of California
KSOQ-FM	Escondido	CA	49206	Lincoln Financial Media Company of California

M. BELMONT VERSTANDIG, INC.

Call Sign	Community City	Community State	Facility ID Number	Licensee
WSVA(AM)	Harrisonburg	VA	39493	M. Belmont VerStandig, Inc.
WQPO(FM)	Harrisonburg	VA	39492	M. Belmont VerStandig, Inc.
WHBG(AM)	Harrisonburg	VA	72143	M. Belmont VerStandig, Inc.
WJDV(FM)	Broadway	VA	40648	M. Belmont VerStandig, Inc.
WTGD(FM)	Bridgewater	VA	73935	M. Belmont VerStandig, Inc.

SARKES TARZIAN, INC.

Call Sign	Community City	Community State	Facility ID Number	Licensee
WRCB(TV)	Chattanooga	TN	59137	Sarkes Tarzian, Inc.
KTVN(TV)	Reno	NV	59139	Sarkes Tarzian, Inc.
WGCL(AM)	Bloomington	IN	59131	Sarkes Tarzian, Inc.
WTTS(FM)	Bloomington	IN	59141	Sarkes Tarzian, Inc.
WAJI(FM)	Fort Wayne	IN	59132	Sarkes Tarzian, Inc.
WLDE(FM)	Fort Wayne	IN	59134	Sarkes Tarzian, Inc.

CERTIFICATE OF SERVICE

I, Genevieve Edmonds, hereby certify that on this 20th day of December 2012, I caused a true and correct copy of the foregoing Comments in Support of Petition for Rulemaking to be served on the following by first class mail, postage prepaid:

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/s/
Genevieve F. Edmonds